

81ST CONGRESS  
2D SESSION

# S. 3830

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## IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 7), 1950

Mr. FREAR introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

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## A BILL

To provide a recruitment procedure for the competitive civil service in order to insure selection of personnel on the basis of open competition and merit, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Federal Personnel  
4       Recruitment Act of 1950".

5       SEC. 2. For the purposes of this Act—

6       (1) The term "department" includes all departments,  
7       independent establishments, agencies, and corporations in the  
8       executive, legislative, and judicial branches of the Federal  
9       Government and in the municipal government of the District  
10      of Columbia in which there are competitive positions subject

1 to the Civil Service Act of 1883, as amended and supple-  
2 mented.

3 (2) The term "Commission" means the Civil Service  
4 Commission.

5 (3) The term "employment plan" means a plan pro-  
6 vided for in section 3 (b).

7 SEC. 3. (a) It shall be the duty and responsibility of  
8 the Commission to maintain and protect a system of recruit-  
9 ment, examination, certification, and selection of persons for  
10 competitive civil-service positions in the departments which  
11 will result in open competition and selection on merit.

12 (b) Each department shall submit to the Commission  
13 an employment plan or plans for the recruitment, examina-  
14 tion, certification, and selection of persons for competitive  
15 civil-service positions in such department. Two or more  
16 departments may jointly submit and operate under an em-  
17 ployment plan. If the Commission approves an employment  
18 plan submitted by a department, such department, or such  
19 department and the Commission, in accordance with such  
20 plan, shall recruit, examine, and certify, and such depart-  
21 ment shall select, persons for such of its competitive civil-  
22 service positions as are included in such plan. All opera-  
23 tions of a department under any employment plan shall be  
24 subject to such supervision and direction by the Commission  
25 as the Commission deems necessary.

1       (c) Notwithstanding subsection (b), the Commission  
2 shall have authority, which may be exercised at any time  
3 in its discretion, (1) to recruit, examine, and certify per-  
4 sons for selection and appointment to competitive civil-  
5 service positions which are subject to an approved employ-  
6 ment plan, and (2) to modify or change any action taken  
7 or procedure followed by a department under an approved  
8 employment plan. The Commission shall certify to such  
9 department any such action taken by the Commission under  
10 this subsection. The department shall take action in accord-  
11 ance with such certificate and such certificate shall be bind-  
12 ing on the department.

13       SEC. 4. (a) The Commission shall, after consultation  
14 with the departments principally concerned—

15           (1) determine, from time to time, with due regard  
16 to the effectiveness of the operations of the departments  
17 and to the best interests of the Government, those com-  
18 petitive civil-service positions which shall be subject to  
19 recruitment, examination, and certification by the Com-  
20 mission, and those positions which shall be subject to  
21 employment plans;

22           (2) prepare standards to be followed in the estab-  
23 lishment and operation of employment plans;

24           (3) from time to time revise, supplement, or

1       abolish existing standards, or prepare new standards for  
2       employment plans.

3       (b) Standards prepared by the Commission under sub-  
4       section (a) shall be published in such form as it may  
5       determine.

6       SEC. 5. The Commission shall undertake directly, or  
7       make appropriate alternative arrangements for, the recruit-  
8       ment, examination, and certification of persons for selection  
9       and appointment to competitive civil-service positions not  
10      covered by currently approved employment plans.

11      SEC. 6. (a) The Commission shall from time to time,  
12      but at least annually, review the operations of the depart-  
13      ments under approved employment plans in order to deter-  
14      mine whether such operations are in compliance with such  
15      plans and with the Civil Service Rules and Regulations.  
16      The Commission shall make findings with respect to the  
17      operations of the departments under their employment plans  
18      and shall report such findings to the heads of the departments  
19      concerned.

20      (b) The Commission shall withhold, withdraw, or sus-  
21      pend its approval of any employment plan or part thereof  
22      whenever it finds that such plan does not meet the standards  
23      prepared by the Commission or that operations under such  
24      plan are not in compliance with the plan or with the Civil  
25      Service Rules and Regulations.

1        SEC. 7. The Commission, in the case of those examina-  
2        tions for which it expects competition to be greatly in excess  
3        of the needs of the service, may, with due regard to the prin-  
4        ciple of open competition, take such action, or direct that  
5        such action be taken by a department, as the Commission  
6        deems necessary to limit the number of persons permitted  
7        to compete for positions to such number as are reasonably  
8        required to meet economically and effectively the needs of  
9        the service for qualified and capable employees.

10       SEC. 8. The Commission, or a department as authorized  
11       by an approved employment plan, shall rate competitors for  
12       selection to competitive civil-service positions either (1)  
13       numerically on a scale of 100, or (2) by categories de-  
14       scribing the degrees of qualifications and capabilities of com-  
15       petitors; except that category ratings shall not be used in  
16       the case of competitors for positions in the field service of  
17       the Post Office Department.

18       SEC. 9. (a) So much of section 3 of the Veterans'  
19       Preference Act of 1944, as amended, as precedes "*Provided,*  
20       *That*" is amended to read as follows:

21       "SEC. 3. In those examinations to determine the quali-  
22       fications of applicants for entrance into the service in which  
23       applicants are rated numerically, ten points shall be added  
24       to the earned ratings of those persons included under sec-

1 tion 2 (1), (2), (3), (5), and (6), and five points shall  
2 be added to the earned ratings of those persons included  
3 under section 2 (4) of this Act, and in those examinations  
4 in which applicants are rated by categories such persons  
5 shall receive the preference provided by section 7 (b) of  
6 this Act:".

7 (b) Section 7 of such Act, as amended, is amended to  
8 read as follows:

9 "SEC. 7. (a) For professional and scientific positions  
10 for which the entrance salary is over \$3,000 per annum  
11 and for which eligibles are rated numerically, the names of  
12 preference eligibles shall be entered on the appropriate civil-  
13 service registers of eligibles in accordance with their respec-  
14 tive augmented ratings and ahead of all eligibles having  
15 the same rating who are not entitled to preference. For  
16 all other positions for which eligibles are rated numerically,  
17 the names of eligibles entitled to ten points preference shall  
18 be entered at the top of the appropriate civil-service reg-  
19 isters in accordance with their respective augmented ratings,  
20 and the names of eligibles entitled to five points preference  
21 shall be entered on such registers of eligibles in accordance  
22 with their respective augmented ratings and ahead of all  
23 eligibles having the same rating who are not entitled to  
24 preference.

25 (b) For professional and scientific positions for which

1 the entrance salary is over \$3,000 per annum and for which  
2 eligibles are rated by categories, the names of preference  
3 eligibles shall be entered on the appropriate civil-service  
4 registers of eligibles in accordance with their respective  
5 category ratings and ahead of all others in the same category.  
6 For all other positions for which eligibles are rated by cate-  
7 gories, the names of preference eligibles shall be entered on  
8 the appropriate civil-service registers of eligibles in accord-  
9 ance with their respective category ratings and ahead of all  
10 others in the same category, except that the names of  
11 eligibles entitled to ten points preference shall be entered at  
12 the top of the highest category.”

13 (c) So much of section 8 of such Act, as amended,  
14 as precedes “*Provided, That*” is amended to read as follows:

15 “SEC. 8. (a) When in accordance with civil-service  
16 laws and rules, a nominating or appointing officer requests  
17 certification of eligibles for appointment purposes, there shall  
18 be certified, from the top of the appropriate civil-service  
19 register of eligibles, such number of names as may be neces-  
20 sary to permit such officer to make a selection for each  
21 vacancy in the manner provided by this section.

22 “(b) When eligibles have been rated numerically, the  
23 nominating or appointing officer shall be entitled to consider  
24 at least three eligibles for each vacancy and shall make  
25 selection from not more than the highest three eligibles avail-

1 able for appointment on certification: *Provided*, That the  
2 Civil Service Commission may by regulation provide that  
3 with respect to certain positions, not including positions in  
4 the field service of the Post Office Department, the nomi-  
5 nating or appointing officer shall be entitled to consider at  
6 least five eligibles for each vacancy and shall make selection  
7 from not more than the highest five eligibles available for  
8 appointment on certification.

9       “(c) When eligibles have been rated by categories, the  
10 nominating or appointing officer shall be entitled to con-  
11 sider at least five eligibles for each vacancy and shall make  
12 selection from the highest category. The Commission shall  
13 prepare standards for determining when the number of  
14 eligibles in any category or categories to be considered is  
15 insufficient or excessive. If, under such standards, there is  
16 an insufficient number of eligibles in the highest category,  
17 eligibles in the next highest category or categories shall also  
18 be considered for selection. If, under such standards, there  
19 is an excessive number of eligibles in the category or cate-  
20 gories to be considered, the officer shall make selection from  
21 such lesser number of eligibles in such category or cate-  
22 gories as may be determined to be sufficient under such  
23 standards. Selection of a nonpreference eligible shall not  
24 be made in any case if there are available for selection the



1 names of at least five preference eligibles in the same or a  
2 higher category.

3 “(d) A nominating or appointing officer shall not be  
4 required to consider an eligible for selection if objection to  
5 such eligible shall be made and sustained for any proper  
6 and adequate reason under regulations prescribed by the  
7 Civil Service Commission:”.

8 SEC. 10. Any competitor for selection to a competitive  
9 civil service position shall, upon written request to the Com-  
10 mission, be entitled as a matter of right to a review by the  
11 Commission of the rating given him under section 8 of this  
12 Act. After such review the Commission shall take such  
13 action as it may find to be proper.

14 SEC. 11. Subject to the Federal Reports Act of 1942,  
15 the Commission—

16 (1) shall provide for the maintenance and preser-  
17 vation of personnel records, including the records of  
18 examinations, either by the Commission, or by the de-  
19 partments, or by both, as the Commission may deter-  
20 mine; and

21 (2) shall, after consultation with the departments  
22 (when the Commission deems it practicable), establish  
23 uniform standards, practices, procedures, and forms for,  
24 or otherwise regulate, the personnel operations of the

1 departments, to the extent that the Commission deems  
2 such action to be in the interests of the service.

3 SEC. 12. As an aid to more effective governmental  
4 administration, the Commission is authorized and directed  
5 to facilitate the transfer of officers and employees with  
6 special qualifications to positions requiring such qualifications  
7 by referring the names of such officers and employees to  
8 any departments making requests therefor. The Commis-  
9 sion shall obtain from other departments, in connection with  
10 the filling of such positions, the names of and information  
11 with respect to officers and employees with special qualifica-  
12 tions, and shall maintain such records as are necessary for  
13 the economical and efficient administration of this section.

14 SEC. 13. (a) The President is authorized to issue such  
15 civil service rules, and the Commission is authorized to  
16 issue such regulations, as may be necessary for the adminis-  
17 tration of this Act.

18 (b) The Commission shall from time to time make  
19 such investigations with respect to the operation of this  
20 Act as it may deem necessary. The departments shall  
21 furnish the Commission such information in connection with  
22 such investigations as the Commission may request. The

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1 Commission shall take such corrective action as it may  
2 deem necessary in the light of such investigations.

3 SEC. 14. There are hereby authorized to be appro-  
4 priated such sums as may be necessary to carry out the  
5 provisions of this Act.

6 SEC. 15. All laws or parts of laws inconsistent with this  
7 Act are hereby repealed to the extent of such inconsistency.

8 SEC. 16. This Act shall take effect on the ninetieth day  
9 after the date of its enactment.

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

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**By Mr. Frear**

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